

**TOWN OF LANSING LOCAL LAW AMENDING THE TOWN OF LANSING LAND USE  
ORDINANCE TO ADD ARTICLE XVI AND TO MAP AND CREATE PLANNED DEVELOPMENT  
ZONE #1 - THE VILLAGE CIRCLE-VILLAGE SOLARS PLANNED DEVELOPMENT AREA**

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK**

**LOCAL LAW NUMBER 1 OF 2013**

**Be it enacted by the Town of Lansing as follows:**

**SECTION 1: TITLE & APPLICATION; FINDINGS**

A. This Local Law shall be known as "Local Law Number 1 of 2013." This Local Law amends the Town of Lansing Land Use Ordinance, by: (i) creating Article XVI, to be entitled "Planned Development Areas"; and (ii) by mapping, approving, and adopting Planned Development Area ("PDA") #1 for the Village Circle-Village Solars PDA, and by specifying the allowed land uses and related regulations for such PDA #1.

B. The Town of Lansing Land Use Ordinance encourages the development of creative and environmentally sound housing communities, particularly those that create the clustering of housing units so as to promote and preserve open and recreational space and existing significant natural features and conditions, and those that promote energy efficiency through sustainable and intelligent design.

C. The Developers of PDA #1, Rocco Lucente and Village Solars, LLC (the "Developer" or "Developers," as the context herein may admit or require, and such terms shall include each and all of their successors, heirs, and assigns), have set forth a development plan of mixed uses and clustered multi-housing units, the creation of enclosed and non-enclosed community and recreational spaces, walkways and paths to foster a walk-able community, the use of rain gardens and watercourses to foster an "amenities loop" with services, walkways, gardens, and which interlinks to a town-wide community trail, as well as a recreational loop of over a half mile in length surrounding the PDA that interconnects a dog park, basketball courts, recreational lawns, picnic areas, and other amenities. The Developers also propose solar efficiency for reduced heating and electric costs by orienting buildings and improvements towards solar radiation and other design elements.

D. The proposed project will contribute to the variety of housing styles and patterns of development available in the Town and will create a model housing project that displays the benefits of integrated services, efficient solar design, recreation, and open spaces, all while being designed to create a neighborhood design favoring pedestrian and walk-able uses, with minimal vehicular traffic incursion, all while providing native and attractive landscaping and buffering, safe play areas for children, clustering housing to create open spaces and promote an aesthetic and safe neighborhood space to foster a sense of community. The usage of interior acreage for housing promotes these goals and also helps preserve soil and water resources, all while avoiding strip-type residential development along roadways. This PDA will preserve many roadside rural vistas and demonstrate a permissible manner through which planned housing may conserve energy and water, provide open space, recreational opportunities, and community facilities, all within the parameters of allowed density.

## **SECTION 2: PLANNED DEVELOPMENT AREAS GENERALLY**

A. The Zoning Ordinance of the Town of Lansing as readopted, amended and revised, effective on or about May 18, 2005, be further amended as set forth below.

1. A new Article XVI is added entitled "Planned Development Areas" as follows:

a. 1600.0 - Planned Development Areas ("PDA") are permitted in the Town of Lansing when approved pursuant to the procedures and requirements of the Town of Lansing Land Use Ordinance, including § 706.0 (and all its subdivisions), therein. No PDA approval shall hereafter become valid until a local law is adopted implementing and approving such PDA, each of which such local laws shall adopt and implement such regulations as the Town Board shall deem advisable, as based in whole or in part upon the recommendations of the Planning Board in relation to such PDA, and which local law shall define such PDA and place it numerically within the body of Article XVI of this Land Use Ordinance.

b. 1601.0 - Every PDA that is included within the Land Use Ordinance and which is thus then authorized and allowed shall contain, at a minimum, a description of each of the following in relation to the allowed land uses and regulations:

1. Any special definitions for land uses, particularly including any definitions as vary from the general definitions already set forth in the Land Use Ordinance;
2. The allowed principal and supplementary or accessory land uses;
3. Any yardage, set-back requirements, or density regulations or requirements;
4. Maximum building coverage, height, or size, or the maximum number of dwelling units within each such building;
5. The principal requirements for traffic management, including roadways, parking areas, public highways, pedestrian and other ways, including the potential construction, development, maintenance, and/or dedication of the same;
6. Landscaping plans and buffering requirements;
7. Allowed building materials and architectural details, including coloration and visibility of project elements, including buildings and structures;
8. Any lighting or signage plans or constructs;
9. Provisions addressing the adequacy and provision of water and sewer services, stormwater, and other required services and infrastructure;
10. Any rules relative to mixed uses within any one building or structure and within the PDA itself;

11. The preservation, conservation, or use of wetlands or other significant natural areas or features;
  12. Any phasing plan or developmental timetable and the issuance of future approvals or permits relating to the same, including a definition or designation of such uses or changes in use that may require special permits, site plan review, or amendments to the Land Use Ordinance; and
  13. Any other matter relevant to such PDA or necessary to give effect to such local law.
- c. 1602.0 - Construction and Interpretation - The provisions of this Article shall not diminish or impair the right of any other governmental agency or body to require that any act be taken or avoided. No permit, grandfather right, resolution, procedure, or rule pertaining to zoning or land use shall supersede the requirements of this Article. This Article is intended to supplement and augment the requirements of zoning and land use regulations and rules of the Town of Lansing and thus shall be read in harmony therewith. In the event of a conflict as to applicable zoning rules, the requirements of this Article shall apply to land uses and related rights and activities with respect to any PDA listed within this Article.

### **SECTION 3: PLANNED DEVELOPMENT AREA #1 - THE VILLAGE CIRCLE-VILLAGE SOLARS PDA**

A. Planned Development Area ("PDA") #1, to also be known as the Village Circle-Village Solars PDA, is hereby established, permitted, and defined with permitted uses and applicable definitions, as hereafter follows. PDA #1 shall be enumerated as section 1610 (with section 1603 through 1609 being reserved for future use):

1. PDA #1 shall use all definitions as are applicable to the Land Use Ordinance generally.
2. The allowed principal and supplementary or accessory land uses permitted within the PDA are as follows:
  - a. Uses permitted as of right include:
    1. Single family residential dwellings and multi-family dwellings not to exceed 12 units in any one structure or connected but independent structures. B
    2. One or more leasing and rental offices.
    3. Indoor and outdoor recreational facilities, whether for public use or for profit.
  4. Traditional home occupations shall be allowed only where, in the determination of the Town Code Enforcement Officer, the following standards are met. All home occupations that exceed any one or more of these standards or requirements shall be permitted only after an approved site plan review is completed by the Town Planning Board:

- i. Such operation, business, or trade is operated solely or principally by a full-time resident of the dwelling;
- ii. No more than one additional person not residing at the premises is employed therein;
- iii. No goods or products are publicly displayed or advertised for sale on the premises;
- iv. There is no outside storage of goods, parts, or inventory;
- v. No noise, dust, or objectionable odor is experienced beyond the dwelling where such use is conducted;
- vi. The home occupation may not exceed the lesser of 300 ft<sup>2</sup> or 20% of the floor space of such dwelling;
- vii. No signage for such home occupation may be displayed other than upon the residence structure, and only one such sign shall be permitted. The coloration of the sign must match that of the residence in question, the sign may only be two-dimensional in its geometrical aspects, and such sign may not exceed 12 ft<sup>2</sup> in total surface area.

- 5. Accessory buildings, such as dog houses, storage sheds, patio covers, garages, gazebos, or other small structures clearly ancillary and related to dwelling uses are permitted when they meet the other requirements of these PDA regulations and the Land Use Ordinance;
- 6. Self-service laundry facilities, but only (i) within the Community Center Building; or (ii) when located within a dwelling and only when the design and location of the same make such facility not observable from the building exterior.

b. The following uses are permitted, but only upon the receipt of site plan approval by the Town Planning Board:

- 1. Small retail convenience stores and coffee/sandwich shops, including similar small-scale retail services.
- 2. Churches or other places of worship, convents, and parish houses.
- 3. Public or private libraries, museums, private and public schools and instructional centers, nursery schools, kindergartens, and day care centers.
- 4. Nursing, retirement and congregate housing or convalescent homes and medical clinics or professional offices located outside of a residential dwelling.
- 5. Youth centers.

6. Theaters and facilities for live indoor performing arts.
  7. One Community Center Building, which may contain any of the uses allowed in this Subsection or as set forth in subsection (a) of Section 2(A)(2), above, and which may also contain self-service laundry facilities and restaurants.
  8. One rooming house/tourist home, not to exceed 2 suites, to be made available only to visitors of residents of the PDA.
  9. One maintenance building for the storage of tools, supplies, parts, and other items needed to maintain residences, buildings, improvements, yards, buffers, and other elements of the PDA by the Developer.
3. Yardage requirements and set-back requirements, density, building and structure height, and coverage regulations are as follows:
- a. All building and structure setbacks, excluding roadways, pedestrian walkways and trails, shall be at least 25' from the exterior boundary lines of the PDA. Other internal PDA set-back and yardage requirements shall be as set forth in the Land Use Ordinance for R2 zones;
  - b. Density regulations or requirements are allowed per the development plans and all parcels within the PDA shall maintain 40% minimum open space standard; similarly the entire PDA parcel shall also have a minimum 40% open space standard; and
  - c. Buildings shall not exceed 3 stories and no building or structure shall exceed a height of greater than 45 vertical feet measures from the average grade to the highest point in the roof line, excluding chimneys and vents.
4. No additional buildings shall be permitted within this PDA/zone without site plan review unless the same is a defined accessory structure with less than 100 ft<sup>2</sup> of overall floor and foundational space. For the purposes of clarity an 8' x 8' structure with 2 floors would require site plan review as it would have 128 ft<sup>2</sup> of combined floor/foundational space.
5. A maximum total of 470 dwelling units shall be permitted within the PDA, inclusive of existing units and dwellings, except upon the amendment of the PDA plans and maps, approval thereof by the Town Board, and the amendment of this Local Law.
6. Roadway, parking, trail, and pathway requirements are as follows:
- a. There shall be a minimum 1.5 parking spaces provided for each residential dwelling, and such parking shall be adjacent or near to such residential dwelling(s);
  - b. Non-residential facilities shall have a minimum of 2 parking spaces for each 250 ft<sup>2</sup> of floor area, and such parking shall be adjacent or near such non-residential facility; however, and except that, the Community Center Building shall have a minimum of 30 parking spaces;
  - c. All parking spaces shall have a minimum width of 8.5', a minimum depth of 18', and a minimum vertical clearance height of 7', except handicapped and impaired parking spaces,

which shall conform to all code and legal requirements in terms of the number of spaces, their location, and the minimum dimensions thereof.

d. All sidewalks and pathways shall be constructed pursuant to the approved plat and design for the PDA, including all building-to-building walkways, the perimeter exercise trail, the amenities trail, and the main community trail, each designed to be build pursuant to trail and walkway specifications and such maintenance agreements as are approved by the Town Board with input from the Town Planning Department and the Town Director of Parks and Recreation;

e. All connecting vehicular roadways shall be built by the Developer and kept and maintained as private roadways, except that the Developer and Town of Lansing may agree, in the future, to the dedication of such roadways or easements thereto, and except as to the following, which shall be dedicated as soon as practical after completion:

i. The Developer shall dedicate a ~~60-foot right of way and easement for a potential future road and/or pathway within the PDA linking Dutch Mill and Village South roads;~~

ii. The Developer shall dedicate a 60-foot right of way and easement for a potential future road and/or pathway within the PDA linking ~~Village Circle North and Springbrook Circle roads; and~~

iii. The Developer shall dedicate in fee the road section on ~~Village Place~~ within the PDA;

f. All trails and roadways shall be constructed and maintained, including snow and ice removal, by the Developer. Roads shall be constructed to Town of Lansing roadway specifications as to sub-base and roadway surfacing, even though the same may not be proposed to be dedicated to the Town of Lansing, and all pathways and pedestrian ways shall be constructed as set forth in the plans, including blacktopping where indicated. The East-West main trail shall be accessible to the public and dedicated to the Town either by easement or in fee (in the sole discretion of the Town. The trail along Warren Road shall also be publically accessible and so dedicated to the Town. Approvals for any development beyond the Initial Allowed Build-Out Limit (as defined below) are also contingent upon the dedication of such trails and pathways. The other pathways/trails shall be private to the Developers but public use thereon shall be permitted, and all pathways and trails shall be properly maintained by the Developer and fit for their intended uses. All roadways shall be engineered, designed, constructed, and maintained in such manner as to permit the safe passage of fire trucks and other emergency vehicles, and at all times there shall be at least two accessways for ingress and egress to all areas and buildings within the PDA.

g. Approvals for any development beyond the Initial Allowed Build-Out Limit (as defined below) are also contingent upon the construction of a bus shelter and related appurtenances (including roadway improvements or changes) upon Warren Road, as set forth in the development plans.

h. An additional bus stop and enclosed shelter is permitted within the PDA and is to be located near or in proximity to the Community Center Building as set forth in such plans, once

population of the PDA would support the same and once TCAT agrees that a bus route may extend into or through the PDA.

7. Landscaping plans and buffering requirements are approved as set forth in the project plans, including the planting of buffering and screening vegetation, shade trees, and other plantings, each with only native vegetation (i.e., no exotic or invasive non-native species shall be permitted). A minimum landscaped buffer of at least 15' shall be preserved or developed, and maintained around the perimeter of the PDA (and such buffer may be located partly or wholly within required setback limits). All plantings shall be maintained by the Developer and replaced with similar vegetation whenever a plant or tree shall die or become diseased or fail of its purpose relative to providing screening or buffering.

8. All building materials shall meet New York State Building and Energy Codes, and all buildings shall follow and similar complimentary architectural design and coloration. Only muted shades of blue, green, and natural colors are permitted for building exterior finishes. All rooflines and dormer and peak angles shall be similar in their angle and slope as to create a homogenized project "look and feel." All buildings and structures shall be sight buffered and screened per the planting plans approved for the PDA. All buildings shall be oriented towards the sun and sited to maximize solar exposure and natural light penetration of building envelopes so as to increase heating efficiency and decrease energy usage as set forth in the plans for the PDA. Rooftops and other suitable sites shall be available for solar access for photovoltaic or solar thermal systems, where appropriate and where structures permit such loading.

9. Lighting shall only be in locations of approved lighting poles and plans, plus any security or passage lighting for buildings. All lighting and lighting fixtures shall be shielded and designed so as to avoid glare upon adjacent properties. Any additional or different lighting, including any new or different lighting plans, shall be subject to approval pursuant to site plan review by the Planning Board.

10. No signs, other than entry signs, traffic signs, street signs, or directional signs are permitted, except the following:

- a. Non-residential facilities may have no more than 2 signs, the combined size of which shall not exceed 90 ft<sup>2</sup> and both of which must be located upon the building;
- b. Home occupations may have signage, as set forth above;
- c. Small traditional directional signage to identify the location of parking facilities, to designate handicapped and impaired parking facilities, and to identify trash, recycling, and related facilities;
- d. Interior building signage is permitted in the Community Center Building and other public-use buildings to identify facilities or allowed businesses; and
- e. A large project sign is allowed on the west side of the Community Center Building, but it may have only 2 significant display surfaces and may not exceed 350 ft<sup>2</sup> in surface area upon any one side.

Any additional or different signs, including any new or different signage or signage plans, shall be subject to approval pursuant to site plan review by the Planning Board.

11. The following requirements apply to the provision of water services, sewer services, and stormwater within the PDA:

a. Water - Phase I of the project, being the 12 units for Village Circle, plus an additional 10 buildings not to exceed 138 units or EDUs (herein together, the "Initial Allowed Build-Out Limit"), will rely upon an interconnection to the Town of Lansing Consolidated Water District ("CWD"), but will require a hydropneumatic system being installed in order to obtain building permits and certificates of occupancy or compliance. Such system shall be designed, installed, and meet operational parameters as designated by the Town Engineer. All buildings and residences proposed beyond the Initial Allowed Build-Out Limit shall be dependent upon the successful completion and implementation of a new pressure zone within the CWD, including through the potential development of the Burdick Hill Water Tank improvements by the Southern Cayuga Lake Intermunicipal Water Commission and the CWD, and/or by the construction and connection of the Bone Plain Water Tank system by the CWD. Until a new pressure zone is operational, no additional building permits or certificates of occupancy or compliance (beyond the Initial Allowed Build-Out Limit) shall be issued by the Town of Lansing unless the Developer can address water pressure or water volume impacts or deficiencies in a manner as meets the requirements of the CWD, subject to, in all instances, the approval of the Town Engineer and a future site plan review approval to measure any impacts of such future development(s) or building(s). Allowable water usage capacity is capped at 470 EDUs, plus additional units for the Community Center Building not to exceed 15 units;

b. Sewer - No building permits and no certificates of occupancy or compliance shall be issued for any buildings or structures beyond the Initial Allowed Build-Out Limit of the PDA until the "Intermunicipal Wastewater Transportation and Treatment Agreement," dated March 8, 2010, by and between the Town of Lansing and the Villages of Lansing and Cayuga Heights, is updated and amended to provide for additional sewer transportation and treatment volumes equal to existing levels plus all anticipated flows from the complete and maximum build-out of this PDA. Allowable sewer capacity is capped at 470 EDUs, plus additional units for the Community Center Building not to exceed 15 units;

c. Stormwater - No certificates of occupancy or compliance shall be issued until after the stormwater plans and the SWPPP:

1. Are duly approved by the Town and NY SPDES permits are issued; and
2. All permanent stormwater facilities and permanent practices are substantially constructed; and
3. All stormwater facilities and permanent practices are either dedicated to the Town or any drainage district formed for this PDA or until a stormwater management agreement is duly executed by the Developer in a form acceptable to the Town.

12. Except for the Community Center Building, other community buildings, and the rental offices, residential uses within the PDA shall not be mixed within any one building or structure with any

non-residential uses. Further, as to the Community Center Building and other community buildings and areas, the approval of future PDA phases and the issuance of building permits and certificates of compliance and occupancy for the same are conditioned upon the Developer: (i) completing the public, quasi-public, and community improvements within the proposed PDA within 2 years of the date of commencement of initial PDA construction, with these improvements including the shared yards, courtyards, trails, pathways, community grills, outdoor community recreation areas, and community fire pits (each as so documented in the development plan); and (ii) the Community Center Building is considered separately from other community infrastructure and is proposed as part of a later part of Phase II (sometimes called Phase II-b) of the development; however, the Community Center Building shall be built within 5 years of the date of adoption of this Article (and this Local Law), failing which, the approval of future PDA phases and the issuance of building permits and certificates of compliance and occupancy may be withheld in the discretion of the Town.

13. All wetlands and significant natural features shall be preserved and enhanced in accord with the existing development plans.

14. The March 20, 2013, updated PDA project proposals outline the proposed phasing of the project. The development of the Initial Allowed Build-Out Limit are hereby authorized and allowed, subject to all approvals, permitting, and stormwater requirements, each where applicable or as required. However, any development beyond the Initial Allowed Build-Out Limit is and remains subject to the water and sewer requirements set forth above;

15. Any proposed use not specifically herein allowed is expressly prohibited. Any future plan or proposal not here specifically allowed is prohibited unless an amendment to the development plan is approved through the applicable site planning, special permitting, or variance procedures as outlined in the Land Use Ordinance. In no event may the open space percentage of 40% be reduced; such open space measurement to be expressed as a percentage of land that is undeveloped by buildings or impervious surfaces as compared to the total acreage of the PDA as based upon its boundaries as defined below;

16. All outdoor recreational uses shall be for passive and non-motorized recreation. Auxiliary uses relating to such recreation, such as exercise areas, tennis courts, basketball courts, ball fields, gardens, trails, and small covered or stone-paved cooking and picnic pavilions or similar facilities shall be permitted.

17. All waterlines and appurtenant infrastructure shall be dedicated, along with accompanying easements and rights-of-way to the CWD. Similarly, all sewer lines and appurtenances shall be dedicated to the Town and/or any applicable sewer district or improvement area. Such dedications shall occur after construction and installation, after all permits have been obtained and all permit conditions duly met, including permits from the Tompkins County Health Department. All such water and sewer lines shall be subject to inspection and testing, and shall be in operational condition at the time of dedication. Such installation, inspections, and operational parameters shall be verified at reasonable times by the Town Engineer and other designees of the Town of Lansing.

18. The Developer may request a waiver from the requirement of this Article and this Local Law to the extent of obtaining additional building permits (or certificates of compliance or occupancy) earlier than would otherwise be authorized hereunder by applying for such a waiver to the Town Board. If such a waiver is granted, the Town Board may impose such reasonable conditions upon the

waiver as it may deem appropriate. The Town Board may, but is not required to, authorize the issuance of additional building permits (or the issuance of such certificates) if the Town Board finds:

- a. The plans for the water or sewer lines and appurtenances have been approved by all applicable agencies;
- b. Work has been commenced on the construction of the line and appurtenances and is progressing with sufficient rapidity that it is reasonable to expect that it will be completed before any certificates of occupancy or compliance for any dwelling or other units are issued;
- c. There would be a substantial hardship to one or more individuals to delay construction or certificate issuance absent such waiver, and such hardship was not self-created;
- d. There is proof provided to the Town Engineer and Planning Board that there is adequate financial support available to the Developer to complete the work, such proof being in the form of a dedicated escrow account, performance bond, letter of credit, or other proof satisfactory and acceptable to the Town Board as based upon the recommendations of the Town Engineer and the Attorney for the Town;
- e. The Town Engineer recommends granting the waiver; and
- f. Such waiver is the minimum variation from the requirements of this Local Law as would remediate or lessen such found hardship.

19. The area encompassed and rezoned in accordance with this Local Law is described as follows: Being Town of Lansing Tax Parcel Numbers 39.-1-38.7; 39.-1-38.9; 39.-1-38.10; P/O #39.-1-32.2; P/O #39.-1-38.2, all as more particularly described as the land within the following described boundaries:

Beginning at a point marked by a found iron pin located at the northeasterly corner of lands now or formerly of the Town of Lansing (592/709), as shown on a Survey Map entitled "Village Circle Village Apartments/Village Solar PDA Boundary Survey Map," as dated March 5, 2013 and drawn by Lawrence Fabbroni (NYSPE 51734, NYSL 49682) (hereinafter, the "Survey Map"); and thence proceeding

N 14° 40' 08" W a distance of 300.73' to a point, such point being located at the northwesterly corner of lands now or formerly of Kaida Computer Technologies LLC (#521821-001); and thence proceeding

S 75° 43' 15" E a distance of 8.50' to a point located in the northerly property line of said Kaida Computer Technologies LLC; and thence proceeding

N 14° 34' 20" E a distance of 570.01' to a point in the southerly property line of lands now or formerly of Rocco P. Lucente (#510428-001), said course also partly running along easterly property lines of lands now or formerly of Lucente Holdings Inc. (867/94 and 837/266); and thence proceeding

S 75° 43' 15" E a distance of 201.60' to a point marking the southeasterly corner of said lands of Rocco P. Lucente (#510428-001); and thence proceeding

N 14° 34' 20" E a distance of 260.73' to a point marking the northeasterly corner of said lands of Rocco P. Lucente (#510428-001); and thence proceeding

N 75° 46' 45" W a distance of 1,132.12' to a point marked by a set iron pin in the southerly property line of lands now or formerly of Rocco Lucente (580/702), said course passing along the southerly property lines of lands now or formerly of Lee (CD2509/6727), Ivy Bridge, LLC (#592211-002), and Rocco Lucente (580/702); and thence proceeding

N 75° 45' 27" W a distance of 169.07' to a point in the southerly property line of lands now or formerly of Hopkins (908/276), said point being also the northeasterly corner of lands now or formerly of Lucente Holdings, Inc. (CD2512/1241), and said course passing along the southerly property lines of lands now or formerly of Rocco Lucente (580/702) and said Hopkins (908/276); and thence proceeding

S 14° 31' 26" W a distance of 100.00' to a point marking the southeasterly corner of lands of said Lucente Holdings, Inc. (CD2512/1241), said course being also the easterly line of said lands of Lucente Holdings, Inc. (CD2512/1241); and thence proceeding

N 75° 45' 27" W a distance of 150.14' to a point in or near the centerline of Warren Road, said point also being the southwesterly corner of lands of said Lucente Holdings, Inc. (CD2512/1241), and said course being the southerly property line of said Lucente Holdings, Inc. (CD2512/1241); and thence proceeding

S 14° 31' 26" W a distance of 968.10' along or near the centerline of said Warren Road to a point, such point being also the northwesterly corner of lands now or formerly of Bracco (#457019); and thence proceeding

S 75° 37' 57" a distance of 150.16' to a point located at the northeasterly corner of lands of said Bracco (#457019), said course being the northerly property line of said Bracco (#457019); and thence proceeding

S 14° 31' 26' W a distance of 310.00' to a point marking the southeasterly corner of lands now or formerly of Lane (733/314), said course running along the westerly property lines of lands of said Bracco (#457019) and Lane (733/314); and thence proceeding

S 75° 37' 57" E a distance of 889.01' to a point marking the southwesterly corner of lands now or formerly of the Town of Lansing (592/708), said course passing along the northerly property lines of lands of Kaida Computer Technologies LLC (##488698-001, 471363-001, and 523357-008); and thence proceeding

N 14° 40' 08" E a distance of 250.00' to a point marking the northwesterly corner of said lands of the Town of Lansing (592/708), said course passing along the westerly boundary of said lands of the Town of Lansing (592/708); and thence proceeding

S 75° 37' 57" E a distance of 200.00' along the northerly property line of said lands of the Town of Lansing (592/708) to the point and place of beginning, all as more particularly

shown upon the Survey Map, a copy of which is in file at the Town of Lansing Town Clerk's Office.

20. Unless work has materially commenced within the 24 months following the date of adoption of this Local Law, the zoning change effected by this Local Law shall terminate and the zoning shall revert to that in effect prior to the adoption of this section unless, in the interim, there has been a general rezoning of the area surrounding the area being rezoned by this section, in which event the zoning shall revert to the same zoning as then in effect along a majority of the perimeter of the land being rezoned as a PDA by this Local Law. The Town Board, upon request of the applicant, after a public hearing, and upon a finding that the imposition of the time limits set forth above would create an undue hardship on the applicant, may extend the time limits for such additional periods as the Town Board may reasonably determine. For the purposes of this section, work will not have "materially commenced" unless, at a minimum, a building permit, if required, has been obtained; construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and substantial excavation (where excavation is required) or significant framing, erection, or construction (where excavation is not required) has been started and is being diligently pursued.

21. The Developer assumes sole responsibility for the development and its worksites and all related or adjacent areas and lands and agrees to assume all responsibility for any injury or damage that may or does occur as a result of any excavation, construction, or related work. The Developer, to the fullest extent permitted by law, shall indemnify and hold the Town of Lansing harmless from and against any, each, and all losses, actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity (all together hereafter, "Claims"), including, but not limited to, reimbursement to the Town of Lansing any amount expended for any and all experts', consultants', attorneys' and engineering fees and expenses arising from or in relation to any Claim. The Town of Lansing shall not be liable or responsible for any injury to persons or damage to property due to any acts or failures to act unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town of Lansing.

22. The Town of Lansing Zoning Map is hereby amended to incorporate the location and boundaries of PDA #1.

23. The Developer may subdivide the parcel into separate tax parcels to assist in the delineation of project phasing, tax management issues, and financing for project development. In each such case, suitable cross-easements shall be provided for access and common use of project facilities and such proposed subdivision and line locations shall be subject to review and approval by the Town Board. Once approved by the Town Board, the Town Code Enforcement may seal such map for filing with or delivery to the County Clerk or Assessor's Office.

#### **SECTION 4: SEVERABILITY; INTERPRETATION**

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Local Law shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law. Any such invalidity shall be confined in its operation to the

clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such order or judgment shall have been rendered. Section and other headings are for reference and convenience only and shall not be deemed or construed to limit or define the requirements of clauses set forth thereunder.

**SECTION 5: EFFECTIVE DATE**

This Local Law shall be and become effective immediately upon filing with the New York Secretary of State.